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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF ALBANIA  
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES  
BY ALBANIA**

(received on 4 November 2008)



**REPUBLIC OF ALBANIA**  
**MINISTRY OF FOREIGN AFFAIRS**

**ALBANIAN GOVERNMENT COMMENTS**  
**ON**  
**“SECOND OPINION”**  
**OF**  
**ADVISORY COMMITTEE**  
**OF**  
**FRAMEWORK CONVENTION**  
**"ON PROTECTION OF NATIONAL MINORITIES".**

**Tirana October 2008**

## **INTRODUCTION**

1. In the framework of meeting commitments undertaken by Republic of Albania with the ratification of Framework Convention of the Council of Europe "On Protection Of Minorities"<sup>1</sup>, Albanian Government submitted to the Council of Europe on 18 May 2007, the "Second National Report on Implementation of Provisions of Framework Convention".

2. Following procedures for control of implementation of commitments undertaken by ratifying States of this Convention, on 4-7 March, 2008, the Convention Advisory Committee visited Albania. Advisory Committee members took direct contacts with representatives of legislative, executive, State institutions that tackle minority issues and representatives of all associations that represent national and ethno-linguistic minorities in our country. On 29 May 2008, Framework Convention Advisory Committee approved the Second Opinion on Albania.

3. Considering this Opinion as another contribution that the Council of Europe gives for improvement of human rights standards in Albania and in particular the minorities' rights, Albanian Government thinks that only a large discussion with the stakeholders of these fields would contribute to an objective and realistic reflection of submitted information. With this aim, Minister of Foreign Affairs organized a meeting, inviting representatives of principal organizations representing minorities in our country, and State institution or nonprofit organizations (NPOs), operating in the field of human rights and minorities. In order to facilitate the information of minorities on contents of "Second Opinion", Ministry of Foreign Affairs translated their texts in Greek, Macedonian, Serb, Vlach languages, while they were handed over in Albanian language to representatives of Roma ethno-linguistic minority.

4. The comments that we will further present are a result of reflections that State bodies have submitted regarding "Second Opinion on Albania".

### **Comments regarding the general part of Second Opinion**

#### **"Principal Findings"**

5. By means of this communication, Albanian Government takes the opportunity to repeat its appreciation for Advisory Committee's professional work regarding the findings about achievements and issues encountered in meeting Framework Convention standards for minorities in Albanian reality. In this regard, Albanian Government did not only recognize the obligations to meet commitments, but she also created relevant mechanisms that will monitor the implementation of these obligations. The creation of State Minorities Committee, establishment of sector for implementation of National Strategy on Roma in Ministry of Foreign Affairs are some organizational measures by means of which Albanian Government believes that the issues encountered by minorities have found and will find proper solution in Albanian legislative and executive structures.

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<sup>1</sup> Framework Convention For Protection of National Minorities (hereinafter referred to as Framework Convention) was signed by Republic of Albania (hereinafter referred to as Albania) on 29.06.1995, it was ratified in 1996 and it entered into force on 01.01 2000.

6. Albanian Government's assessment on the role that minorities play and should have in the Euro Atlantic integration of the country and in the direction of meeting correctly international commitments in this field, dictated that issues related to observance of minorities' rights have a permanent part in her international agenda. The Stabilization-Association Agreement Implementation Plan, as the basic document on which Albanian-EU relations are built and monitored, contains among others, concrete commitments related to minorities. This document provides for Albanian Government's obligations with regard to minorities in the field of a precise registration of their number, legal framework improvement for protection of minorities and other issues, which, in essence, relate to improvement of living conditions and standards of people belonging to minorities.

7. We observe with concern that, in addition to correct and realistic assessments regarding minorities' situation in Albania, "Second Opinion" shows frequently also "Concerning Issues", which, in essence, are not like this. Perhaps the method used for collection of information has caused suggestion on Advisory Committee members so that subjective assessments of some minority representative prevail over the data coming from official sources. This caused contradictions even in the very text of "Second Opinion". So, for example, paragraph 16 of this Opinion speaks about lack of legal framework on minorities, and even that authorities do not include such an obligation in midterm plans. In the meantime, in the same document, paragraph 52 states that law on minorities is part of midterm international commitments between Albania and the EU. Likewise, establishment of names and topographic signs in minorities language in the introductory parts of the first paragraph was recognized as an achievement (pursuant to agreements), whereas only four paragraphs below the absence of legal framework is found regarding establishment of topographic signs for names of places. It is understandable that no agreement among institutions can solve the issues related to minorities outside the existing legal framework.

8. We think that the continuous use of the term "minority zone" in the "Second Opinion" is beyond reality, it even evokes a period which is overcome now for more than 18 years. There is no legal act or any other official document in Republic of Albania where this term is used. Albanian Government's attitude is known: minorities' representative enjoy equally their rights, guaranteed by international acts, Constitution and national legislation regardless of the place where they live. It is quite normal that the right for education in the mother tongue, religious service in this language, communication in public and administration or use of massive communication media is easier to be implemented in those territories where minority population is a majority. This is a reality recognized by all Framework Convention member States.

#### **Range of people covered by Framework Convention implementation**

9. We think that the conclusion reached (in paragraph 9) is ungrounded. It states that "differentiation among national minorities" and "ethno-linguistic minorities is problematic because of negative implications for those who are considered "ethno-linguistic", regarding their access to the field of education. As we had the opportunity to clarify in Comments on First Opinion, the only distinction between national minorities and ethno-linguistic minorities is that the first have a mother State whereas the second do not have. This is an objective distinction regarding only the existence or nonexistence of a mother State and it

has no relation to the volume of rights recognized for minority. On the other hand, classification of ethno-linguistic minorities as national minorities would create an absurd situation in which Albanian State would recognize the existence of national minorities, which have no mother State or are not recognized as such by those who claim to be the mother State, which in essence would comprise a deviation from principles of Framework Convention itself.

10. Concerning paragraph 10, on the need of further dialogue between Albanian Government and Egyptian communities on measures that aim at their identity protection and development, refer to comments on part II "Findings article by article", comments in articles 1-3, paragraphs 41-46.

### **Self-identification and registration.**

#### **Comments regarding paragraphs 11,12,13.**

11. Registration of citizens' ethnicity by issue of Certificates is considered an unreliable method regarding the application of article 3 of Framework Convention on minorities because "...it does not take into consideration the personal choice of citizens in question". We think that such a consideration together with that expressed in paragraph 12, according to which "...registration of ethnic belonging gives its effects on "minority zones", which existed before the communist regime", does not respond to Albanian reality.

Article 20, second paragraph of the Constitution of Republic of Albania provides for ". . . People who belong to national minorities have the right to express freely, without prohibiting or imposing their ethnic, cultural, religious or linguistic belonging". Not only this paragraph, but an entire body of laws and secondary laws enabled effective and not formal enjoyment of the right to declare ethnic, religious, cultural, etc. belonging with no hesitation. We confirm also that this right is practiced regardless of citizen's residence. The hypothetical conclusions of the type "... it seems that ethnic belonging registration has an effect only on "minorities zones" does not respond to reality and it can be easily verified in every registry office that tens or hundreds of citizens with non-Albanian nationality are registered beside citizens with Albanian nationality.

12. In the same of way, the discussion held with Advisory Committee experts regarding the definition of objective criteria (in addition to the subjective ones) to be met by citizens in order to grant a nationality different from the Albanian one, does not comprise "lack of predisposition by authorities to include the ethnic belonging issue in the future census" (paragraph 12). Exchange of opinions on this issue with Advisory Committee experts had in essence the concern about the most precise combination of individual's subjective choice with the assessment of objective criteria (contained in Framework Convention Commentary), so that the census result shall be close to the real. As known, the absence of a clear definition on minority notion made difficult the definition of objective factors not only in Albania.

### **Discrimination**

#### **Comments regarding paragraphs 18, 19.**

13. It is a recognized and largely accepted fact that national minorities have not been an object of discrimination by the majority of population throughout Albanian State development. This tradition of living together left its traces also on the activity of State or/and non-public bodies, in which the data about

discrimination on grounds of national belonging are very scarce. We think that these data do not speak in favor of the conclusion that "...discrimination is not taken in consideration by the public and non-public bodies properly ", but they speak in favor of a culture, already created for tens of years living together, that respects ethnic or linguistic belonging of each other. This spirit of tolerance is confirmed also by the Resolution of Committee of Ministers of 11 May 2005, which has examined the implementation of Framework Convention of Protection of Minorities by Albania.

## **Education**

### **Paragraphs 21, 22, 23.**

14. Assessing the considerations given in "Second Opinion" on commitment of Albanian Government regarding the practice of right to be educated in mother tongue in all levels of schooling, we wish to highlight some developments of recent times as well. It is true that there were problems in the past regarding the textbooks printing in minorities mother tongue. Because of the limited number of minority pupils, the textbooks printing appeared with a cost some times higher than Albanian language schoolbooks.

Due to Albanian Government's financial commitment and the very good relations that Republic of Albania has with its neighbors, we managed to print the textbooks in the language of minorities and prepare the teachers professionally so as not to have any problem.

We judge that "... teaching in the minorities' language is subject to complex and unnecessary rules (paragraph 22). We wish to guarantee the Advisory Committee that the rules providing for minorities education in their language are in accordance with international commitments taken by Republic of Albania.

### **Roma minority situation**

15. Referring to paragraphs 24-25 of "Opinions", we wish to inform you about some legal measures which help solve the concerns set forth in these paragraphs.

With the adoption of Law No. 9929 of 09.06.2008 ""On Some Amendments and Addenda in Law No. 8950 of 10.10.2002 "On Registry Office"", among others, aimed at organization and working of Registry Office service in the Republic of Albania. This law favors the registration of citizens who have not been registered in years, within the date 15 September 2008, against a payment to the parents.

Article 34 "Birth Declaration" was amended in this law and article 34/1 "Birth Registration" was added.

The mother will benefit the payment of 5.000 (five thousand) lek for all births that are not declared until present and use declaration deadline has expired if she makes the declaration 60 days from the entry into force of this law.

Likewise, from the moment of entry into force of this law, every birth that will be declared within the established deadlines shall be paid with 5 thousand lek<sup>2</sup>.

In order to make this law known, some initiatives have been undertaken; we may mention among them the organization of different informational programs in national television, publicity spots, posters, and leaflets with sufficient information on the manner of declaration for children's registration. We have also

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<sup>2</sup> Article 34 point 4,5 of this law provides concretely that the mother benefits a payment of 5 000 (five thousand) lek for registration of birth declared within 60 days for the birth in the country 90 days, for the birth aboard.

organized a meeting in a nation level with registry offices and responsible personnel in hospital centers to explain and raise the awareness.

16. The monitoring process, collection of data and implementation of National Strategy "On improvement of living conditions of Roma minority" was realized focusing on these directions:

- Keeping contact with line ministries and responsible institutions included in Strategy implementation with the aim to collect information on progress of Sector objectives in the field of education, health, culture, employment, housing and security.
- Promotion and increase of awareness of institutions, regional structures and local Governments to include Roma minority in Strategy implementation.
- Cooperation and coordination with Roma minority representatives, Roma minority representative NPOs and other NPOs to contribute to the monitoring process of Strategy on Roma people.
- Cooperation with donors and NPOs to build up capacities of the Sector and institutions in central, regional and local level for Strategy implementation
- Further to the activities for implementation of tasks commissioned, the Strategy Monitoring Sector in Ministry of Labor, Social Affairs and Equal Opportunities, finds out that line ministries, state institutions and other structures included in Strategy implementation are committed to meet their obligations provided for in the Strategy Action Plan.

17. Line ministries and institutions under them were encouraged to estimate funds to meet objectives foreseen in this Strategy in the budget of 2008. So, we may mention the fund of 30 million lek estimated by Ministry of Public Works, Transport and Telecommunication to support projects which are being executed or to start the execution in local Government units in order to improve Roma minority living conditions.

For this, this Ministry approved the transfer of grants according to the project selected by a special commission. These projects were prepared by local units according to the terms of reference decided by this institution. Measures were also taken to establish the cooperation between the Roma representatives and local Government structures. For this, the sector organized different meetings in a local and regional level. The meetings served once more to promote responsible structures for Strategy implementation in the local level. Realization of UNDP project "Capacity building for social inclusion of Roma community" will help solve this problem. This project started in spring 2008 and provides for some interventions like:

- Promotion and support of organizations with Roma community basis for management of micro projects on infrastructure improvements.
- Creation of local partnership networks and Regional Coordinating Committees in the cities of Tirana, Elbasan and Fier. These committees shall work closely with the Roma minority and local authorities. After the piloting period these structures are thought to be formalized and turned into information and coordination offices between the Roma minority and local authorities.

18. Regarding the monitoring system creation and its influence on the situation improvement, we inform that the Strategy Monitoring Sector in cooperation with international organizations finalized the project, which enabled the review and identification of Monitoring indicators of National Strategy on Roma and it helped to establish as suitable system for data collection, analysis and reporting and the progress of Strategy objectives. With the finalization of this project made possible the drafting by State structures of a monitoring report on National

Strategy for Roma for the period 2004-2007. In the framework of this project, the staffs of Strategy Monitoring Sector and contact points in the regional offices of state social service were trained. This training focused on monitoring methodology and survey to realize the study on the social-economic situation of Roma minority.

## **Participation**

### **Comments regarding paragraphs 26, 27.**

19. Albanian Government thinks that the creation of State Minorities Committee was a necessary step in due time and it helped to facilitate the dialog between the Government and minorities. With a composition corresponding to the full representation of minorities, the committee managed to be minorities' voice in the executive. Its mixed nature between a Committee representing minorities' interests and a Governmental body "...did not only create confusion by damaging the dialogue" (as stated in Second Opinion paragraph 26), but on the contrary it served the dialog. We should confirm that the signing of "Memorandum of Understanding" between the Local Government Bodies and the Bodies of Local Government Units for Cooperation in the Field of Protection And Observance of Minorities Rights in Albania" is a concrete contribution to the above.

20. Regarding paragraph 27, on recruitment in State Police of people belonging to minorities, please, refer to the following comments on paragraphs 94-96.

## **II. Findings article by article**

### **Special comments regarding articles 1-3 of Framework Convention**

21. Paragraph 32 of "Second Opinion" repeats once more "... a missing willingness of Albanian authorities' to include ethnic belonging in the census questionnaire".

As we had the opportunity to treat largely above<sup>3</sup>, the exchange of opinions with experts, considering the fair combination of objective and subjective factors with regard to definition of nationality does not comprise "fear of authorities", but it is a concern that the census results should be real, avoiding thus the abuses that may be made by various individuals.

We think that only self-declaration of each citizen regarding his/her own nationality would be insufficient. "Each subjective choice of the individual is closely linked to some objective criteria regarding the person's identity"<sup>4</sup>.

It is precisely this definition of Framework Convention Commentary, which makes the principal distinction between the manner of definition of religious belonging and the manner of definition of ethnic belonging. The first (religious belonging) remains simply only an element of subjective character. The individual may believe or not, or may change his/her religious beliefs. On the other hand, ethnic belonging undoubtedly contains subjective element (self-declaration), but it does not end here, because the individual can not change or resign from his nationality as long as other (objective) elements are taken into consideration, like the language spoken in the family, traditions, etc.

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<sup>3</sup> Reference to comments regarding paragraphs 11, 12, and 13.

<sup>4</sup> Pursuant to Framework Convention Commentary "On Protection of National Minorities", paragraph 35.



Registration of citizens' nationality by entering them in Registry Office remains the only way to reflect the nationality in official documents. We consider it legally imprecise and practically impossible that the official registration of ethnic belonging be made with other documents and not with certificates (as defined by paragraph 36).

22. Paragraphs 39, 40 of "Second Opinion" repeat the demand for change of status of Vlach (arëmën) and Roma linguistic minority into national minority. We mentioned above that the definition of Roma and Vlach as ethno-linguistic minorities is connected to the absence of a mother state in both cases. Regarding the rights guaranteed by Albanian State, there is no differentiation between them. Moreover, "... the impression of the concerned that they are not included in the principal minorities' groups" (paragraph 39) cannot make an argument for the change of their status, but it shows also that rights guaranteed by "ethno-linguistic minority" status and criteria to be a minority are not known.

23. Paragraphs 41-46 of "Second Opinion" suggests to Albanian Government the possibility to recognize the self called "Egyptian" community as national minority. Regarding this issue, Albanian Government keeps the attitude held in Comments given in the First Report<sup>5</sup>. We consider the recognition as national minority of a single grouping only on the basis of subjective claims by individuals composing this grouping a deviation from Framework Convention principles. Identification of these community members as Egyptians is imprecise. Their Balkan descent is questionable. This community is currently living dispersed in various areas of the country. It has no special language (they speak only Albanian language), it has no special culture (their culture is the same with that of the areas where they live), they have no special religion (their religion is the same with that of Albanian population in the areas where they live). The only distinction from Albanian inhabitants is their color. In the contacts that we had in previous years with representatives of Egyptian Embassy in Tirana, they admitted that this community has no connection to Egyptians and they do not recognize an Egyptian community in Albania.

Albanian Government expresses her reservations regarding the recommendation given in paragraph 46, pursuant to which "Authorities should start an intensive dialogue with Egyptians to discuss the necessary measures with the purpose of preservation of their specific identity. In addition to this, their policy towards Egyptians should rely on principles of Framework Convention on Minorities".

#### **Article 4 of Framework Convention**

24. As it was mentioned also in the "Second Opinion", the civic society prepared a bill against discrimination and State institutions are working on it. Internal legal procedure regarding a bill adoption requires giving of opinions and elaboration of special articles by institutions which cover the issues affected in the bill drafted by NPO-s. It is understandable that the Parliament is not informed about it. The Parliament is informed about the existence of a bill only when the Council of Ministers submits it to the Parliament for adoption. The bill is introduced only at this moment in the working program of different parliamentary commissions and after receiving their comments, the bill is submitted to the Parliament for adoption in a plenary session.

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<sup>5</sup> The First Official Report on minorities, submitted to the council of Europe in 2001.

25. With regard to paragraphs 64, 66 we inform you that the People's Advocate, pursuant to the Constitution and Law 'On People's Advocate', has the principal duties to protect the rights, freedoms and legal interests of the individual. This institution was aware that the person of a minority occupies a special place within the term "protected individual" and there is no distinction in their treatment compared to the other individuals. Since the beginning of his activity, People's Advocate tried not to leave for out of his special focus the minorities' issues and concerns, however small, and he thinks that the close cooperation with them, creates in them the trust for an equal treatment in relations with State bodies and for protection of their rights. In order to get a better knowledge of the problems, this institution was informed frequently in the receptions with the people organized in districts where minorities live (for example, Prespa - Macedonian minority, Dropull - Greek minority, etc). The problems and complaints presented did not regard violation of their rights as a minority, but they were general concerns as those of the other part of Albanian population. In most cases these complaints claim issues that have no connection to distinctions or discrimination because of ethnic belonging. Since the beginning of his work, the People's Advocate had the purpose to include in the complaints forms such data as citizenship, nationality, in order to make the ethnic belonging evident.

26. Regarding paragraph 69, People's Advocate is an institution which guarantees a large access, legal assistance and useful advice in the field of protection of human rights by means of communication media. With the aim to raise the public awareness regarding minorities' rights, various activities were organized periodically "open days", in different communes and cities of the country with the participation of these institution experts. The purpose of these activities was to receive possible citizens' complaints regarding violation of their rights by public administration bodies.

### **Roma Social-Economic Situation Paragraphs 72-85.**

27. Regarding the concerns raised in the above paragraphs, we tried to give our explanations when we treated paragraphs 24-25. We wish also to add that, in the framework of improvement of Roma minority conditions, Commission of Assessment of projects proposals in Ministry of Public Works, Transport and Telecommunication<sup>6</sup>, in recent months, decided to approve the projects selected by local units that responded to requirements contained in terms of reference. The funding will be given to the municipalities/communes of Tirana, Kuçova, Korça, Pojan, Bilisht, for reconstruction of buildings, improvement of services, of infrastructure and construction of new objects for Roma community. The amount for these projects reaches the value of 30 million lek. It is the first time that such a practice is followed and we are thinking to continue it in the coming years.

### **Article 5 of Framework Convention Paragraphs 86-92.**

28. Evaluation, preservation and protection of minorities' culture not only in the framework of meeting international commitments, but also as a necessity for

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<sup>6</sup> In the meeting of 13.06.2008.

European integration of the country, Albanian Government every year increased the funds allocated to support cultural activities which serve to this purpose. Regarding paragraph 88, we clarify that the Ministry of Tourism, Culture, Youth and Sports has a budget allocated for the financial support of various activities and projects in the field of culture, tourism youth and sports. Selection of projects funded by this budget is based on Decision of Council of Ministers Nr.150 of 3.04.1993 "On Funding of Cultural, Artistic Projects of Natural and Legal, Local and International Persons". Ministry of Tourism, Culture, Youth and Sports does not practice a policy of special budgets for any socially distinctive group which is in Albania. Analyzing draft proposals coming to Ministry of Tourism, Culture, Youth and Sports in 2008, with the aim to receive financial support, we observe that all draft proposals for promotion of different minorities have been funded by Ministry of Tourism, Culture, Youth and Sports.

Concretely:

- Festival of "Minorities - Promotion and Integration" intends to recognize, promote, and make evident the minorities' cultural and artisan values, including Roma minority; integration and living together in harmony with culture and arts in Albania, and mutual connections with neighboring countries in cultural fields. This activity was realized during the period May-September 2008, by organizing an exhibition, an artisan fair and a TV debate.
- The Festival "Cultural Përmet" has the purpose to enliven cultural life in Përmet town and promotion of cultural heritage of minorities in Albania and in the Balkans as a factor for cultural diversity development. This festival was held from 21-24 June, for the eighth time in the city of Elbasan.

There were no proposals from representatives of Greek, Macedonian, Serb-Montenegrin, Vlach minorities.

Regarding recommendation 89, we informed that a working group, established in MTCYS, is drafting an Action Plan for 2009 that will be made concrete through:

- Allocation of a special fund for support of cultural activities of minorities in Albania.
- Organization of press conferences and notification in MTCYS official web page in order to inform the large public and in particular the parties concerned about this possibility.
- Imposing an obligation on Artistic Board to follow a policy of positive discrimination in draft proposals coming from minorities' representatives.

29. Referring to Vlach situation, Albanian Government wishes to confirm her full commitment with regard to teaching of their language or preservation and cultivation of cultural traditions. As we had the opportunity to treat in the First Report comments, because of historical processes a continuous assimilation has occurred with this minority, but it was never a violent. However, due to her good will, the Government promoted initiatives for teaching in Vlach language, as the case is in Divjaka School, but the new teaching programs include optional subjects, in which communities themselves, by means of parents' school boards decide about the subject that the pupils will study. This creates the possibility that Vlach Language may be decided to be an optional subject. Vlach associations continue to publish regularly in Albania the newspapers "Fratia" (Brotherhood) and "Fërshërotu".

## **Article 6 of Framework Convention**

## **Paragraphs 93-102.**

30. Albanian Government salutes the assessments given in “Second Opinion” regarding the steps made in the direction of improvement of relations between police and various minorities. We wish to confirm that the programs already started are part of the process that will contribute to the fulfillment of obligations deriving from Convention in these fields. Undoubtedly, part of this process is also the recruitment of police officers from minorities’ ranks.

31. Regarding paragraph 94, 98, 100, we specify that, Directorate of Internal Control Service operates in Ministry of Interior as a unique structure directly under the Minister of Interior. Pursuant to Law No. 8749 of 01.03.2001 "On Internal Control Service in Ministry of Interior", the object of work of this service is "prevention, detection and documentation of criminal activity committed by State Police officers and other structures in Ministry of Interior" (article 2). “The verification activity and preliminary investigation of this service are carried out by observing constitutional guarantees on human freedoms and rights”, (article 4). Consequently, the Directorate of Internal Control Service verifies and investigates with priority the cases when police officers in the exertion of their duty violate fundamental human freedoms and rights; therefore the Legal Information Center operates in this service, in which every individual (citizen) is free to express verbally or in writing (filling in concrete forms) for the cases when they complain about police officers that have misused their competences during the exertion of their duty.

When elements of criminal acts are found out for police officers, criminal reporting is sent to prosecutor's office, whereas when there is only an administrative contravention, disciplinary measures are taken by State Police competent structures.

State Police Discipline Regulation was approved in 2008 (Decision of Council of Ministers No. 786 of 4.6.2008), which provides for disciplinary measures taken against police officers who make disciplinary breaches and procedures followed.

Article 6, point 6 of this regulation provides for police officers to implement obligations and behavioral norms and to "treat equally the persons and carry out his duties without any discrimination because of gender, race, color, language, beliefs, ethnicity, political, religious or philosophical beliefs, sexual orientation, economic, social status or parents belonging."

Article 11 considers grave disciplinary contravention the “performance of disgraceful actions”, illegal or unreasonable use of force, acceptance of gifts, etc. disciplinary measures are taken for all disciplinary contravention against police officers which vary depending on the contravention made, up to dismissal from police and beginning of criminal proceedings against him/her. The positive impact of this regulation implementation is observed in the decrease of contravention number by police officers during the practice of their duty.

On programs for police training, we inform that these training sessions are made continuously and General Police Directorate drafts every year the program for training sessions with all police officers according to levels and ranks.

With the entry into force of the new Law on State Police (in 2007) all police officers (enforcement level) are undergoing three month training in Police Academy. This training started in September 2007 and it will be completed in 2010.

Part of these training topics was also the information of State Police officers with international acts, laws and secondary laws, which norm fundamental human rights and freedoms. State Police specialists who have not completed the higher

police education (but they have another higher education) underwent a technical-professional training of four months in Police Academy.

Regarding the measures undertaken for State Police central and local structures personnel on prohibition of torture and degrading actions, a number of training sessions have foreseen in 2008, which occupy a considerable place in the Thematic Plan on State Police training.

Topics of these training sessions include:

- a) Escorting to police, training of escorting people, control of people and their security.
- b) Police and human rights, practical aspects related to human rights during police work.
- c) Police and human rights.
- d) Police and minorities' rights.
- e) Program for protection of witnesses.
- f) Components for witnesses' protection.
- g) Violence in family.
- h) Treatment of border victims.
- i) Exchange of experience and human rights between Albania and Italy.

State Police officers took part continuously in training sessions carried out by various organizations that operate in the field of human rights and freedoms. Concretely, in cooperation with the EC, OSBE, UNICEF training sessions were organized continuously for police officers of basic, middle and high role with the following topics:

- a) treatment of trafficking victims;
- b) human rights and policing of violence in family;
- c) trafficking of human beings;
- d) children's protection;
- e) measures against violence in family relations.

32. Regarding paragraphs 96, 102, on recruitment of minorities in police<sup>7</sup>, we inform you that 38 people belonging to minorities work in State Police structures currently, from which 17 in Border and Migration Police (or 1.2 % of the number of police officers of this structure), and local police structures.

### **Minority issues and media Paragraphs 103-110.**

33. We would consider the conclusion given in paragraph 107 relative, according to which “. . . Albanian media does not consider the issue of inter-ethnic and minorities' relations as a priority”. On the one hand, the very presence of minority in Albanian life is limited and consequently this community issues shall occupy a relatively small room. On the other hand, the missing conflicts or special events make the minority have a relatively limited coverage in written or electronic media (this field is not excluded from media principle that “good news is no news”). Regarding the “concern” expressed by different associations that “covering of issues that include minorities miss objectivity, especially during elections. . . .”, does not stand referring to reality; the political party, which represents minority in Albania, was part of all Government cabinets in the recent decade.

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<sup>7</sup> This issue was highlighted also in paragraph 27

**Trafficking of people belonging to Roma and Egyptian community.  
Paragraphs 111-119.**

34. Recognizing and assessing that trafficking of human beings in general and that of people belonging to Roma and Egyptian community in particular, is one of the most brutal forms of violation of human rights, Albanian Government has undertaken the necessary legal and organizational steps to reduce and eliminate this phenomenon. For these reasons, referring also to concerns raised in paragraphs 114-116, we wish to inform you as follows:

- Legal framework for the fight against trafficking and prostitution

35. The field of fight against organized crime and illegal trafficking is one of the priority fields for Albanian Government, as a very important element in the framework of Albania's integration in the European Union. Commitments undertaken and objectives set are in line with obligations deriving from Stabilization Association Agreement (SAA - articles 4, 78, 81, 85). National and international reports do not consider Albania a transit or destination country for trafficking of people, but it still remains a country of origin. Progress was achieved in fighting the perpetrators of this criminal act and other criminal acts related to it, but also in establishment of proactive structures for protection and assistance to victims of trafficking. Progress was achieved also in approving the laws against trafficking according to international standards and consequently, Albania has very good legal framework for punishment of this grave crime currently. In addition to relevant provisions of Criminal Code on trafficking and other offenses related to it, a number of laws and secondary laws exist which complete the legal framework for fighting organized crime in general and trafficking of human beings in particular. These provisions comply with UNO Convention against international organized crime and its two additional protocols, which are currently ratified. We have made also the review and drafting of legislation that guarantees the freedoms and rights of women on the one hand and punishment of all perpetrators included in these criminal activities on the other hand. We may mention among the most important amendments made in the legal framework:

1. Law No. 9284 of 30.09.2004, "On Prevention and Fight Against Organized Crime".

2. Law No. 9188 of 12.02.2004, "On Some Addenda and Amendments to Law No. 7895 of 27.01.1995, Criminal Code of Republic of Albania - amended".

In the framework of the fight against the trafficking of human beings other criminal offenses have been added or amended together with the above amendments to Criminal Code pursuant to provisions of different ratified conventions. Article 110/a with the title, "Trafficking of People" stipulates "punishment for recruitment, transport, transfer, concealing, or reception of people by means of: a) threat or use of force or other coercion forms; b) kidnapping, fraud, abuse of duty or making use of the social, physical or psychic condition; c) giving or reception of payments or benefits in order to receive the consent of the person controlling another with the purpose to exploit the prostitution of others; d) other forms of sexual exploitation, of labor or forced services, of slavery or forms similar to slavery, of use, for transplantation of organs or other forms of exploitation. Trafficking of people, when it entails death as a consequence is punished with imprisonment no less than 20 years or with life imprisonment and a penalty of 7-10 million lek".

3. Law No. 9509 of 03.04.2006, "On Declaration of Moratorium for Motor Navigating Means of the Republic of Albania". The adoption of this Law is an expression of serious efforts to strengthen control measures for illegal trafficking in the borders. This law was completed further by other secondary legislation, like the DCM and the common Guideline of Minister of Interior and Minister of Defense.

4. Law No. 9642 of 20.11.2006, by which Albanian Parliament ratified the Convention of the Council of Europe "On Measures against Trafficking of Human Beings".

5. Law No. 9686 of 26.02.2007, which adopted the amendments to article 298 of Criminal Code, "Assistance to Illegal Passing of Borders", which includes elements of criminal act of smuggling of human beings, it creates the possibility for investigation of smuggling cases even in those States, which do not have land borders with Albania. The adoption of this Law in the Criminal Code made possible the separation of the criminal act of trafficking of people from smuggling.

6. Law No. 9859 of 21.01.2008, "On Some Addenda and Amendments to Law No. 7895 of 27.01.1995, "Criminal Code of the Republic of Albania" (with relevant amendments). More concretely, the added articles are: **a)** article 124/d, "Minors' Maltreatment", which among others punishes the phenomenon of exploitation of children for compulsory work, begging and other compulsory services; **b)** addenda to one paragraph in article 117, "Pornography", which treats pornography with minors; **c)** addenda to article 128/d, "Minors' Trafficking" which penalizes by law not only recruitment, concealing, reception, etc., but also the sale of minors.

7. Law No. 9205 of 15.03.2004 "On Protection of Justice Witnesses and Collaborators" regulates the special measures, manners and procedures for protection of witnesses and collaborators of justice and organization, working, competences and relations between the bodies commissioned with proposal, assessment, approval and implementation of special protection measures.

Present experience has proven the effectiveness of this law regarding protection of witnesses who inform authorities on cases of trafficking and in the direction of reduction and prevention of offenses of this nature.

8. Decision of Council of Ministers No. 195 of 11.4.2007 regarding the approval of "Standards of social care services in residential centers for trafficked people and people in risk of trafficking."

36. Principal measures taken against trafficking of human beings (in particular for Roma and Egyptian women and children).

Prevention and combat against trafficking of human beings continues to be a principal priority of the Government, because it is considered as a phenomenon with a much accentuated negative influence on Albanian society. This combat is focused on 3 principal directions:

- a) Criminal investigation and prosecution of trafficking crimes,
- b) Support and protection of victims and witnesses,
- c) Taking concrete steps to prevent trafficking and re-trafficking.

These orientations were included and turned into objectives and concrete measures for every central administration institution, for independent

institutions and other stakeholders of society that are involved in the combat against this phenomenon in the framework of National Strategy for the Fight Against Trafficking of Human Beings, 2005-2007.

This strategy has currently expired; monitoring and assessment of implementation of obligations that this strategic document provided for was completed.

In the meantime, we are working to draft the new National Strategy of Fight against Trafficking of Human Beings and its Action Plan for the period 2008-2010 and the new National Strategy of Fight against Trafficking of Children and Protection of Children, Victims of Trafficking and Its Action Plan for the period 2008-2010.

### 37. Structures of fight against trafficking of human beings

For the implementation of National Strategy for the Fight against Trafficking of Human Beings, priority was given in recent years, not only to legal framework improvement, but also to establishment of new prevention structures for this strategy:

1. State Committee on Fight against Trafficking of Human Beings headed by Minister of Interior, which is composed of high political level representatives from central institutions, responsible for prevention and fight against trafficking of human beings in respective fields.

2. Creation of National Coordinator's Office, headed by Deputy Minister of Interior for anti-trafficking, which is the key point for anti-trafficking actions coordination in a national and international scale in 2005.

National Coordinator's principal role is to coordinate the actions of all stakeholders involved in the fight and prevention of trafficking of people, whether governmental agencies or nongovernmental agencies in order to have full information and a coordinated response to trafficking in the country.

3. National Coordinator is assisted in his work by Anti-Trafficking Unit, the principal duty of which is to monitor activities of responsible institutions, to implement the National Strategy for Anti-Trafficking, to coordinate institutions and collect information and data on trafficking cases.

4. A common order of Minister of Interior, Minister of Foreign Affairs and Minister of Labor, Social Affairs and Equal Opportunities established the Responsible Authority for protection and assistance of victims of trafficking and provision of duties for the institutions involved in this process. The purpose of establishment of this Authority is the coordination and monitoring of the reference process for assistance, protection, reintegration of current victims or possible trafficking victims and registration and periodical reporting of cases of trafficking, referred to other organizations or institutions. This process is carried out in close cooperation with the above mentioned ministries, with other institutions involved in this process and housing centers for trafficked victims.

5. In implementation of Prime Minister's Order, "On Creation Of Regional Committees Of Trafficking Of Human Beings" the Regional Committees against Trafficking of Human Beings, were established in 12 regions of the country, which play an important role for identification of potential cases of trafficking and assessment of their categories.

6. The Directorate for Protection Witnesses and Special People was established in Ministry of Interior. It has important sectors, like that of the fight against the illegal trafficking, sector of protection of witnesses, etc.

7. In judiciary field, worth mentioning is the creation of Court of Heavy Crimes and Prosecution of Heavy Crimes. The trafficking cases are among offences that these institutions examine.



8. The Sector against Illegal Trafficking operates in State Police General Directorate (Crimes Investigation Department) (Organized Crime Directorate), whose principal work objective is to prevent and fight criminal activities, as trafficking of women and their exploitation for prostitution.

9. Establishment of Sectors of Protection of Minors and Violence in Family, in Regional Police Directorates.

10. Centre of Data Processing and Protection, as a special structure, under General Director of State Police which makes the statistical data processing.

38. Increase of cooperation among stakeholders and their improved communication brought about evident results for the decrease of this phenomenon in Albania. Official statistics on criminality in Republic of Albania show that the number of crimes of trafficking of women in 2003-2006 decreased sensitively from year to year, Albania is no longer in the list of countries which serve as transit countries for trafficking of women since 2004. In 2006, the evidence of trafficking of women showed that there was no case in which women were foreigners or were trafficked from one state to another through Albania. Contacts with partners of neighbor countries showed this.

Establishment in Albania of a court with special jurisdiction at the beginning of 2004 (Court of Heavy Crimes), and procedural amendments made later, caused all cases of trafficking of people to be addressed to Court of Heavy Crimes and no longer to that of ordinary jurisdiction. Sources from the Court of Heavy Crimes show that the number of trafficking cases treated by this court in the first half of 2005 appeared very high compared to the number of trafficking cases treated by the court with normal jurisdiction in the first three years of establishment of this institution.

39. Regarding paragraph 118, we inform that the database for victims of trafficking became fully efficient in 2008, a very necessary and useful source of information to follow cases of trafficking and assessment and operation of improving mechanisms for timely and qualitative services supply to victims. The database is operational and it has started to serve the purpose for which it was established. The draft-Guideline for implementation of Transnational Reference Mechanism (TRM) for victims of Trafficking is being completed. We have worked also with Standard Operational Procedures (SOP) for i) the care during interventions in cases of emergency and ii) assistance to rehabilitate and integrate victims of trafficking. We also are working to draft the guidelines for implementation of social care standards for trafficked people or people in risk of trafficking.

40. Regarding paragraphs 116, 119, on protection of witnesses, we inform that National Reference Mechanism provides clearly not only for the obligations that the parties have for protection of victims of trafficking, but it offers also protection programs for witnesses when situations are judged to be dangerous and they comprise a serious threat for the victims. Measures have been taken to guarantee as best as possible the necessary protection and support for women and girls in order to enable the testimony against traffickers.

41. In 2006 training sessions were carried out in the entire country in the field of granting legal and psychological assistance to victims, witnesses and those who are in risk of trafficking in a minor age. In this context, National Coordinator's Office organized workshops in three principal regions of the country, that is, in the north, the south in and middle Albania with the topic, "Increase of cooperation between police, prosecution, court and social services for a fair legal

process in protection of victims of trafficking". The stress was put on the profile of victims of trafficking and increase of awareness of prosecution and court so as to prosecute the traffickers and perpetrators of criminal acts related to trafficking.

42. In 2007, at the approval of State Police General Directorate, a new structure was established, Directorate of Protection of Witnesses and Special People. Until 2007, the Sector for Protection of Witnesses and Collaborators of Justice in Directorate against Organized Crime carried out the functions, which from that moment on, are being carried out by the Directorate for Protection of Witnesses and Special People. This directorate guarantees protection for a large range of people as witnesses and collaborators of justice, and their relatives or people related to them. Implementation of protective measures is made for heavy crimes and only in those cases when the people are in a real and serious situation of danger for life. The Sector for Protection of Witnesses started protective programs implementation since April 2005.

43. Regarding paragraph 119, we clarify that National Reception Center for Victims of Trafficking (NRCVT) was created in the framework of Albanian National Strategy for the Fight against Trafficking of Human Beings is an institution of State Social Service operating on the basis of close cooperation with Ministry of Interior and IOM.

This centre has a capacity for about 100 people.

This center offers qualitative services for three principal groups:

- 1) women and girls who are trafficked or risking trafficking,
- 2) unaccompanied children in risk of trafficking,
- 3) irregular migrants.

For specific needs (technical and financial assistance, training, etc.) NRCVT cooperates also with other donors, like IOM, UNICEF, UNHCR, OSCE, USAID and Soros Foundation. In addition to NRCVT, there are other specialized center is managed by NPOs, which besides housing, offer various services to help the women and goals, victim of trafficking, or those who risk trafficking.

But in cases of minor victims, NRCVT observes the well-defined rules for reception, interview, systemizing and transfer of children, victims of trafficking and those in risk of trafficking. Every case provides for further follow-up of the child. These rules are improved gradually so as to be the same with those of the other reception centers. NRCVT cooperates for specific needs (technical and financial assistance, training, etc.) with other donors as well, like IOM, UNICEF, UNHCR, OSCE, USAID and Soros Foundation. There are also other specialized centers managed by NPOs, which, in addition to housing, offer different services to help women and girls, victims of trafficking or those who are in risk of trafficking.

The other shelters (4 shelters) that offer services for reception and rehabilitation of victims are specialized for treatment of cases of children victims, the center "Another Vision"-Elbasan has special environments in which children, victims of trafficking are treated.

In cooperation with other stakeholders involved in this process, these centers offer the following services: temporary shelter, covering of all emergency needs that the beneficiary presents, food, clothes, psycho-social assistance (given by qualified staff of social workers, Legal Clinic For Minors), medical assistance (offered by IOM Center, Institute of Public Health, University Hospital Center "Mother Teresa", etc.), legal assistance (staff trained in legal field, Legal Clinic For Minors, etc.), guaranteed security and protection of witnesses (Ministry of Interior, State Police), professional, rehabilitating and integrating activities, union

with the family and, when it is possible, follow-up of victims even when they leave the Center. All these are offered by a multi-disciplinary staff, composed of professionals of relevant fields.

Agreement of Cooperation to Create National Reference Mechanism for Identification and Improved Assistance for Victims of Trafficking of Human Beings" (18.07.2005) provides for responsibilities of parties involved in identification, reference, accommodation, assistance and rehabilitation of victims of trafficking. National Coordinator's Office works intensively to guarantee this agreement implementation by the parties in accordance with obligations and rights that it stipulates clearly.

Regarding compensation and treatment of victims, implementation of obligations deriving from provisions of international acts ratified by Albania, is underway, but since this process has a high financial invoice, the solution is being discussed with Ministry of Finance in order to raise a fund for compensation in advance. The same way is followed for measures to be taken for compensation programs in general, with a view to provide social assistance and social integration of victims.

#### 44. Cooperation with international agencies and organizations.

Special importance was paid to close cooperation with international agencies and organizations operating with projects drafted specifically against trafficking. Concretely:

- a) Training sessions of police officers were organized with UNICEF on the best practices to interview the children categorized as possible victims of trafficking;
- b) IOM and UNO Office against Drugs and Crimes assisted National Coordinator's Office for the Fight against Trafficking of Human Beings to establish a free telephone line for reporting of trafficking cases and information on regular migration.
- c) OSCE assisted National Coordinator's Office to set up a database for victims of trafficking, which will serve for following, assessment and analysis of cases of trafficking of human beings. OSCE assisted National Coordinator's Office also to carry out some cross border meetings in Macedonia and Kosova, which had the purpose to intensify cross border efforts regarding improvement of identification, reference and supporting actions for victims of trafficking.
- d) Regarding improvement of provisions of Criminal Code and Criminal Procedural Code of the Republic of Albania, in accordance with international standards, Ministry of Justice, required the expertise of experts from the Council of Europe/PAMECA, (Police Assistance Mission of European Community in Albania), with the purpose to review these provisions entirely. Criminal legislation review process continues and depending on suggestions of national experts, legal reform commission will conclude with concrete proposals for the review of provisions for the above mentioned codes

### **Article 8 of Framework Convention**

#### **Freedom of religion, religious organization and restitution of property.**

45. Albanian Government welcomes the assessments made in the "Second Opinion" with regard to creation of a full legal framework on restitution of properties to representatives of minorities and religious communities and the efforts to create a legal framework on freedom of religion, religious organizations and their relations with the State.

Referring to concerns of some minorities' representatives (paragraph 123), we wish to inform that as in every democratic country, in which the full legal framework has been created for property observance, the court is the competent institution, which gives solution to claims of individuals or groups of individuals on this issue.

### **Article 9 of Framework Convention**

#### **Paragraphs 126-141.**

46. Written and electronic media are completely free of any State influence in the Republic of Albania. This means that the State has no possibility to interfere in the programming of TV or radio programs and in the issues addressed by written press. With the exception of Public Radio Television, the other written or electronic media is private and as such, it is subject to market economy rules. With regard to Public Radio Television, (as we have informed in the first and second report), it has a foreseen to broadcast programs in minorities' language, especially for those areas, where the minority population comprises the majority of the population. Regarding recommendations set forth in the above mentioned paragraphs, we wish to inform that they were sent to general directorate of Public Radio Television to be considered in their activity

### **Article 10 of Framework Convention.**

#### **Use of minorities' language with administrative authority**

#### **Paragraphs 142-146.**

47. Use of minorities' language with administrative authority in territories where they comprise the population majority, is a recognized and confirmed fact not only by official reports, but also by international institutions information. Though a specific law to regulate this issue in a detailed way is missing currently, Article 122 of the Constitution of Republic of Albania, commitments undertaken by our country in implementation of Article 10 of Framework Convention are automatically part of national legislation and as such they are applicable in daily practice. In this sense, the agreements signed between the central and local Governments are not missing the legal basis as we mentioned above, but it is at the same time a legal instrument by which Albanian Government has expressed her will and has guaranteed the observance of this right. As mentioned in the "Second Opinion", there is no doubt that the approval of a specific law regarding the use of minorities language in public administration remains one of the short-term obligations provided for in the National Plan on Implementation of Stabilization-Association Agreement.

With the purpose to know the contents, the obligations deriving from signing of European Charter on Minorities and Regional Languages, the Office of the Council of Europe in Tirana, in cooperation with the Ministry of Foreign Affairs and the State Committee on minorities, organize on 7-8 to December 2007 an information seminar. This activity was held in the framework of information regarding the object, purpose, content, mechanisms of "European Charter of Regional and Minorities' Languages", and the obligations deriving from signing of this Charter. The aims of this activity were:

- exchange of experience with party States that have gained it in years;
- identification of best practices of States that are in the process of Charter signing and ratification;

- to define how States may establish fruitful cooperation with different principal stakeholders and preserve it in the process of implementation decided by the Charter.

Regarding the problems that Albanian authorities may encounter in the ratification and implementation process, experts highlighted that in Albania's case, there is a legal basis and measures may be taken step by step to adapt national legislation to this Charter.

We think that this seminar has served to know more profoundly the Charter of Regional and Minorities Languages, to clarify many of its theoretical and practical aspects. Following it, Minorities Sector in Ministry of Foreign Affairs established a Working Group with representatives of line ministries to find out and assess the paragraphs and subparagraphs, that may be met by institutions and they are working on this issue.

## **Article 11 of Framework Convention**

### **Topographic signs in minorities' language**

#### **Paragraphs 147-150.**

48. Regarding restitution of traditional names of villages, names of streets or topographic signs, Albanian Government confirms that she not only has the will to meet these requirements of Article 11 of Convention, but it may be now considered an obligation already met. Legal framework for this issue is complete and current practice showed that we encountered no problems in this obligation implementation. We do not think that Pustec case (paragraph 149), which is a separate case, may serve as an argument or an evidence of failure to meet obligations that derive from article 11 of Framework Convention. We wish to clarify that this single case relates to lack of knowledge on the part of applicants about legal procedures about change of names of villages or communes.

Regarding topographic signs in minorities' language, it is an obligation that is met and it is easily verifiable, especially in the areas where the minorities comprise the majority of the population.

### **Patronymics in minorities' language**

#### **Paragraphs 151-153.**

49. As confirmed by paragraph 152, Law No. 9229 of 29.04.2004 made possible maximum simplification of procedures regarding the change of names and their restitution in minorities' language. Starting from the fact that this procedure now is implemented successfully for more than four years, according to which the applicants change the name or second name by a simple application to Registry Office employee, recommendations of paragraph 153 would not bring a new situation.

## **Article 12 of Framework Convention**

### **Review of school texts and curricula**

#### **Paragraphs 154-159.**

50. Referring to recommendations of paragraphs 158-159, we wish to inform that minority schools are working with three textbooks categories.

a) Textbooks drafted in minority language and lessons are made in this language.

b) Textbooks drafted in Albanian language and lessons made in Albanian language.

c) Textbooks drafted in Albanian language, which are translated later into minority language and lessons are made in minority language.

Textbooks of category a) are those of minority language, minority history and minority geography. These textbooks (history and geography) prepared in minority language have nothing in common with textbooks used in classes of the same level for Albanian pupils.

We wish to inform you also that in the framework of curricula preparation and improvement, Ministry of Education and Science (MES) has a continuous dialogue with minorities' representative, regarding curricula reformation. The new teaching plans have also been worded in cooperation with education specialists that come from minority. Teaching programs were drafted by working groups, in which the presence of minority representatives was compulsory.

Referring to recommendations given in paragraph 159 we wish to inform that Ministry of Education and Science has taken the following measures:

- it liberalized totally the textbooks drafting process;
- it created the possibility to draft alternative textbooks;
- it gave the possibility to teachers to chose the textbook with which they want work;
- it allowed competition of foreign publishing houses for textbooks printing.

### **Teachers training**

51. Training of teachers in general and those of minority in particular is one of the principal requirements regarding increase of teaching quality. We should stress that training of minority teachers until now was made by Regional Educational Directorates and by training made in the framework of the school itself. Within a short period, Ministry of Education and Science planned full decentralization of budget for teachers' training, bringing it closer to teachers' needs.

### **Right of education for Roma minority**

52. Education of Roma minority children is viewed by Albanian Government not simply as a constitutional obligation to be met, but taking into account this community specifics, it is seen as one of the most efficient ways for their full integration in Albanian life. For this reason, education of Roma minority is one of the principal directions in which national strategy "On Improvement of Living Conditions of Roma Minority" is focused and in addition to what we have reported in the Second Report on this issue, we wish to inform you as follows:

In order to guarantee the increase the participation of Roma children in all education levels, Ministry of Education and Science (MES) focused its work on these directions:

- Registration of all Roma children in school. For this purpose, MES issued a guideline to allow their registration without birth certificates. This guideline creates all facilities for school attendance by Roma children.

- By implementing the project "Second Chance", MES added 92 teachers in schools where this community lives and in this way school abandonment decreased.

- Reconstruction of schools where children from Roma community study.

- We cooperated with various associations and foundations to mitigate poverty in Roma families and raise this community awareness for the children to attend school.

As a result of the cooperation among Soros Foundation, Elbasan Municipality and Regional Educational Directorate community "Center for Roma Children and Young People" develops its activity in Elbasan city. The mission of this center is integration of Roma children and young people in society and enlivening of cultural life in community. In order to reduce illiteracy of Roman children, this Center offers courses of Roma language, Albanian language, crafts, musical education, physical education, etc.

- Educational office of Kuçovë Town in cooperation with association "Union of Albania Roma", created the "Social Center for Roma Children". Children prepare school lessons in the center and they develop different qualification courses in order to develop their talent and to fulfill their wishes.

- Classes or kindergartens have been opened specifically for the education of Roma children, as in Moravë in Berat District, classes in Llakatund and Novoselë of Vlorë district, affiliate school "Together", in 'Çajupi' school in Gjirokastër city, "Liria" school in Shkodër city, a class in Roskovec school in Fier District, Roma kindergarten in Korçë city. Special classes are opened also in schools in districts Elbasan, Berat, Pogradec, Korçë, courses against illiteracy in Zhupan of Fier District, etc. There is also a priority to open non-public institutions for Roma children education, as "Amaro Tam" kindergarten and school in Pogradec town and Roma children school in the town of Krujë.

- Qualification of teachers who work with Roma children has been considered with priority and scholarships have been given for Roma children professional and social-cultural schools.

In cooperation with and NPOs, MES realized various activities to promote and fulfill human rights and Roma children's rights in particular. MES has also worked to include in curricula topics that treat issues of risk of use of drugs, alcohol, smoking, school abandonment and other phenomena related to current wounds of Albanian society, as for example, prostitution, trafficking, etc.

In cooperation with UNICEF and "Save the Children", MES, in implementation of National Strategy "On Improvement of Roma Minority Living Conditions" finished a study on situation of Roma education in our country and it is following the realization of some concrete projects for pre-school education.

We stress that, relying on recommendations study on situation of Roma education, which is in the publication stage now, MES will undertake further actions to deepen the Action Plan for implementation of Strategy on Roma Minority

## **Article 14 of Framework Convention**

### **Teaching of minority languages**

#### **Paragraphs 177-189.**

53. Albanian Government thinks that teaching of mother language by minorities is a necessity to preserve their special ethnic identity and to meet one of the principal commitments that we have undertaken and it is dictated also by article 14 of Framework Convention.

As we have reported Ministry of Education and Science has defined the teaching ratio in Albanian language and minority language. These ratios are not different for different minorities, but they are unified. So, in classes I-IV 82% of subjects is taught in minority language and 18% of the subjects in Albanian language. In classes V-VIII 63% of subjects is taught in minority language and 37% of subjects in Albania language. Introduction of 9 year compulsory education this year dictated also that programs of class IX are taught 60% in minority language and 40% in Albanian language. We should stress that the controls made by Education Directorates in regions with minority population majority, have observed that in many cases classes planned to be made in Albanian language are made in minority language, because teachers who teach these lessons in schools come mainly from minority and it is easier for them to communicate with pupils in minority language.

The issue of Roma minority education has been treated largely in comments regarding Article 12.

### **Article 15 of Framework Convention**

#### **Responsible Government structures for minorities and dialog with minorities**

##### **Paragraphs 190-198.**

54. Albanian Government thinks that creation of State Minorities Committee is an effective measure for improvement of dialogue minority-Government. Its composition allows every minority to have its own representative in the structure, and in these conditions, their voice is closer to decision taking. State Committee has treated with professionalism the issues related to observance of minorities' rights and it has informed the Government periodically on issues concerning minorities suggesting also possible solutions for each case. In defining competences of State Minorities' Committee, Albanian Government took into consideration the recommendations given by Advisory Committee and thinks that the current progress of this institution is positive. We judge that opinions of special individuals (who are not identified who they are), regarding assessment of this institution's work, have a subjective character and frequently they are based on personal discontent with minorities' representatives, who represent minorities separate minorities in State Minorities' Committee. We think that there is no institutional confusion regarding functions of structures tackling minorities' issues. The working of State Minorities Committee, which is composed of representatives from all minorities on the one hand and its existence as a Governmental organization on the other hand, does not make this body a "hybrid structure" (paragraph 195), but on the contrary it is an operating structure, which combines very well its (minorities) composition with the function for which it is created. We should stress that with regard to selection of individuals that represent minority in this organization, it is always made in cooperation with their respective minority organization, in order for these elected representative to have proper intellectual and moral integrity.

#### **Participation in political life, representation and electoral process.**

##### **Paragraphs 199-204.**

55. Regarding concerns raised in the recommendations of this part (paragraph 204) we wish to inform and that we consider representation of minority in



legislative, executive and local Government bodies satisfactory. It is sufficient to mention that the party Union for Human Rights (PBDNJ) (which represents and protects minorities' rights in Albania) is a parliamentary party since its creation and it was part of all Government cabinets in ten recent years.

Likewise, minority was represented in the parliament by deputies who represent different Albanian political parties. We should even mention that minority candidates who are not members of PBDNJ have won in areas traditionally inhabited by minority. Taking the above into account, we think that fixed percentage in parliament would be an artificial solution to represent minorities.

56. Absence of certificates or other identification documents was a reason in the past to some extent that prevented Roma active participation in the voting process. With the measures taken, the Government is sure that all the population will be obliged to receive identity cards in 2009 general elections, so, there will be no problem in this direction even for Roma community

### **Participation in public administration and economic life**

#### **Paragraphs 205-211.**

57. "Second Opinion" finds out that "...authorities have limited information with regard to the participation in public administration of individuals belonging to national minorities". This finding is true and it is connected to the fact that recruitment in public administration is based on Law No. 8549 of 11.11.1999, "Civil Servant Status". This law, among others, provides for general requirements that candidates should meet to be accepted in Civil Service (Article 12), and procedures for employees' recruitment in public administration. We clarify that national or religious belonging comprises no priority or obstacle for admission in public administration in this legal act. For recruitment in public administration, law and secondary laws refer to applying individual's citizenship and to his/her personal and educational qualities. When they meet the criteria provided for by law candidates are in equal position with each other to be admitted in the Civil Service.

On this occasion, we wish to guarantee the Advisory Committee that all applicants for a job in administration have absolutely equal positions and the only distinction which comprises at the same time the reason of recruitment for the job, is the level of knowledge that each one has for the required concrete job.

58. Regarding the economic life, we should confirm that businesses managed by minorities, especially in coastal cities, are the most powerful in that region. So we may say that in the region of Gjirokastër and Saranda the most powerful businesses are managed by Greek minority, whereas in the city of Korça a big number of businesses are managed by Vlach minority.

### **Article 16 of Framework Convention**

#### **Administrative units**

#### **Paragraphs 213-214.**

59. Albanian Government wishes to confirm once more that her focus will be not to infringe minorities' interests in possible administrative divisions. For this reason, in the same way as until present, these issues shall be an object of discussion with organizations protecting minorities' rights in the country.

## **Article 17 of Framework Convention**

### **Cross border contacts**

#### **Paragraphs 215-218.**

60. Albanian Government wishes to confirm that she has the full will to facilitate and eliminate every obstacle in order to facilitate cross border contacts. We may say that Albania has no visa system currently with all border countries (Montenegro, Kosova, Macedonia) except for Greece.

By Law No. 9894 of 27.03.2008 Albanian Parliament ratified the "Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Macedonia on mutual movement of citizens and its protocol for circulation in border areas".

Albanian Government is interested to remove the visa system with Greece, but because of commitments that Greece has in Schengen agreement, such a step is not possible for the moment.

In order to facilitate human contacts, Albanian Government for some years now, removes visas for Croat, Serb and Bosnian citizens unilaterally in summer. Albanian Government would welcome every step to be made by these states to eliminate the visa system entirely and to facilitate human contacts.

## **Article 18 of Framework Convention**

### **Bilateral cooperation for minorities' protection.**

#### 61. Bilateral and multilateral agreements

Albania has also undertaken some initiatives for the region and beyond regarding drafting and signing of bilateral and multilateral agreements, which intend to prevent criminal activities related to trafficking of females, children, exchange of information, etc. Such agreements were signed with Macedonia, Kosova, Greece, Italy, etc.

Albania signed with neighbor countries' Governments some cooperation protocols, concretely:

- Additional Protocol was signed with Ministry of Interior of Macedonia, "On intensification of cooperation in the fight against trafficking of human beings through State borders and intensification of identification, notification, reference and return of victims and people suspected as victims of trafficking of human beings".
- Additional Protocol has been drafted and is ready to be signed with Kosova, "On intensification of cooperation in the fight against trafficking of human beings through State borders and intensification of identification, notification, reference and return of victims and people suspected as victims of trafficking of human beings".

- “Agreement for protection and assistance to children, victims of trafficking”, was signed in February, 2006 with Greece and it was ratified by Albanian Parliament in May 2006. The ratification of this agreement is expected currently also by the Greek side in order to enable the further concrete measures to be taken for its effective implementation.
- Official meetings were scheduled to be held very soon for this purpose with Montenegro as well.

62. In the framework of enlargement of this cooperation, a number of readmission agreements have been signed and ratified; the most important to be mentioned are the agreement between RA and the European community, "On Readmission of People", signed on 14 April 2005, which has entered now into force for Albanian citizens and in a later stage for people from the third countries.

Bilateral Readmission agreements were signed also with: Italy, Belgium, Federal Republic of Germany, United Kingdom of Great Britain and Northern Ireland, Hungary, Macedonia, Bulgaria, Romania, Croatia and Switzerland. In 2006 police authorities of foreign countries deported 978 females, out of which 228 under 18, whereas border police structures hindered 49 females to go outside the country, among which 8 under 18, who were suspected that they might be victims of trafficking for the purpose of prostitution.

Albanian Government has adopted with the Government of Republic of Poland in principle the agreement “On Cooperation in the Fight against Organized Crimes and Other Crimes” (Decision of Council of Ministers No. 264 of 05.03.2008). The agreement is ready to be signed by Albanian party, whereas a response is expected by Polish party regarding completion of internal legal procedures for the agreement signing.